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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,322	10/27/2003	Kurt Gammill	14287	3841

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Sally J. Brown
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EXAMINER

GOODEN JR, BARRY J

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,322

Applicant(s)

GAMMILL, KURT

Examiner

Barry J. Gooden Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6, 8, 10-18, 24-31, 33-35, 37-43 and 45 is/are rejected.
- 7) Claim(s) 7, 9, 19-23, 32, 36 and 44 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

At page 13, line 8 "46" is used improperly for the "receiving aperture" where previously (i.e. page 12, line 5) "46" was used properly for "the closest mounting location 46".

At page 16, line 17 "end 174 of the stiffening member 240" should be replaced with "end 274 of the stiffening member 240".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-14 and 24-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 does not show one to one correspondence between the claim limitations and the disclosed elements. The term "a gas guide" was previously recited in claim 1 and the disclosure does not support there being more than one gas guide.

Claim 24 does not show one to one correspondence between the claim limitations and the disclosed elements. The term "a gas guide" was previously recited in claim 16 and the disclosure does not support there being more than one gas guide.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8, 10, 11, 14-18, 28-31, 33, 35, 37, 40-43, and 45 are rejected under 35

U.S.C. 102(b) as being anticipated by Mramor et al., US Patent 6,336,651 B1.

6. In regards to claims 1-5, 8, 10-11 and 14, Mramor et al. disclose an airbag assembly, comprising:

an inflatable curtain (14) having a gas inlet for receiving a gas guide (22) and at least one mounting location (182) for mounting the inflatable curtain (14) to a vehicle;

a stiffening member (160) having a stiffness greater than the inflatable curtain (14) the stiffening member (160) extending adjacent the at least one mounting location (182) and along a length of the inflatable curtain (14) such that the stiffening member (160) is connectable to the gas guide (22);

a channel in the inflatable curtain (14) disposed adjacent the inlet and the at least one mounting location (182), the stiffening member (160) being located within the channel;

wherein the channel is formed integral with a material of the inflatable curtain (14);

wherein the channel is attached to the inflatable curtain (14);

wherein the stiffening member (160) is an elongated plastic (Column 4, lines 4-6) component;

wherein the at least one mounting location(182) is at least one attachment tab (182) located on an upper edge of the inflatable curtain (14);

wherein the stiffening member (60) has an attaching portion that can connect to a defined location on the gas guide (22);

wherein an inflator (24) having a gas guide (22) that extends from the inflator (24) to the inlet of the inflatable curtain (14);

wherein the stiffening member (160) is rigidly connected to the gas guide (22) to prevent twisting of the inflatable curtain (14) between the gas guide (22) and the at least one mounting location (182); and

wherein the stiffening member (160) extends proximate the gas inlet.

7. In regards to claims 16-18, Mramor et al. disclose an airbag assembly comprising:

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an inflatable curtain (14) having an inlet for receiving a gas guide (22) and at least one mounting locations (182) for mounting the inflatable curtain (14) proximate a roof rail (18) of a vehicle (12), the inflatable curtain (14) further comprising a channel disposed adjacent the inlet and the at least one mounting location, and

a stiffening member (160) having a stiffness greater than the inflatable curtain (14), the stiffening member (160) disposed within the channel and extending adjacent the at least one mounting location (182) and along a length of the inflatable curtain (14) to proximate the inlet, the stiffening member (160) having an attaching portion connectable to a defined location on the gas guide (22).

wherein the channel is formed integral with a material of the inflatable curtain (14); and

wherein the channel is attached to the inflatable curtain (14).

8. In regards to claims 28-31, 33, 35, 37, and 40, Mramor et al. disclose an airbag assembly, comprising:

an inflator (24) having a gas guide (22) that extends from the inflator (24);

an inflatable curtain (14) having an inlet receiving the gas guide (22) and at least one mounting location (182) for mounting the inflatable curtain proximate a roof rail of a vehicle, and

a stiffening member (160) having a stiffness greater than the inflatable curtain (14), the stiffening member (160) attached to the gas guide (22) and extending along a length of the inflatable curtain (14) adjacent the at least one mounting location (182);

further comprising a channel in the inflatable curtain (14) disposed adjacent the inlet and the at least one mounting location, the stiffening member (22) being located within the channel;

wherein the channel is formed integral with a material of the inflatable curtain (14);

wherein the channel is attached to the inflatable curtain (14);

wherein the stiffening member (160) is an elongated plastic component (Column 4, lines 4-6);

wherein the at least one mounting location (182) is at least one attachment tab (182) located on an upper edge of the inflatable curtain (14);

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wherein the stiffening member (160) has an attaching portion that is connected to a defined location on the gas guide (22); and

wherein the stiffening member (160) is rigidly connected to the gas guide (22) to prevent twisting of the inflatable curtain (14) between the gas guide (22) and the at least one mounting location (182).

9. In regards to claims 41-43 and 45, Mramor et al. disclose an apparatus meeting the method limitations disclosed in the claims.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 12-13, 34, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mramor et al. in view of Storey et al., US Patent 5,687,988.

Mramor et al. disclose all of the claimed elements except for the stiffening member being composed of metal, the defined location on the gas guide being a protrusion, and the attaching portion on the stiffening member being an orifice.

In regards to claims 6 and 34, Storey et al. disclose a retaining device that resists twisting between the cushion and the inflator at the mounting location the retaining device is made of steel (Column 3, lines 23-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the stiffening member of Mramor et al. in view of the teachings of Storey et al. to include being made of metal so as to provide an increased stiffness.

In regards to claims 12-13 and 38-39, Storey et al. also disclose a defined location on the gas guide (which is integral with the inflator) (16) being a protrusion (28) and the attaching portion (50) on the stiffening member being an orifice (50) that engages (44) the protrusion (28) on the gas guide (16). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas guide and stiffening member of Mramor et al. in view of the teachings of Storey et al. to include a protrusion and an orifice that engages the protrusion so as to provide a support for the gas guide and securable means of attaching the gas guide to the stiffening member.

Allowable Subject Matter

12. Claims 7, 9, 19-23, 32, 36, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 24-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
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PRIMARY EXAMINER